

**LOUISVILLE METRO AIR POLLUTION CONTROL DISTRICT
PRELIMINARY REGULATORY IMPACT ASSESSMENT**

REPEAL

REGULATION 6.45

Standards of Performance for Existing Solid Waste Landfills

AUGUST 14, 2015

PURPOSE OF THE PROPOSED ACTION:

The purpose of this action is to repeal Regulation 6.45 *Standards of Performance for Existing Solid Waste Landfills* because it is superseded by the federal new source performance standard (NSPS) 40 CFR Part 60 Subpart WWW *Standards of Performance for Municipal Solid Waste Landfills*.

Regulation 6.45 was adopted on February 2, 1994, to implement control measures to reduce Volatile Organic Compounds (VOC) and bring Jefferson County into compliance with the National Ambient Air Quality Standard (NAAQS) for ozone. It specifically applied to a single source in Jefferson County, which is generally referred to as the "Outer Loop Landfill." The regulation was approved into the State Implementation Plan (SIP) on October 23, 2001 at 66 FR 53686.

On March 12, 1996 the EPA promulgated 40 CFR Part 60 Subpart Cc *Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills*. Subpart Cc contains emission guidelines and compliance times for the control of landfill gas in accordance with section 111(d) of the CAA. Also, on March 12, 1996, the EPA promulgated 40 CFR Part 60 Subpart WWW. The federal standard applied to each municipal solid waste landfill that commenced construction, reconstruction or modification on or after May 30, 1991. In September of 1996, Outer Loop Landfill received a permit to expand the landfill, which resulted in an increase in disposal capacity. Based on the date of the modification and the size of the landfill, Outer Loop Landfill became subject to 40 CFR Part 60 Subpart WWW. At that time the federal standard superseded District Regulation 6.45. The District incorporated Subpart WWW by reference into Regulation 7.02 on March 19, 1997.

No increase in emissions will result from repealing Regulation 6.45 since the collection and control of landfill gas continues under 40 CFR Part 60 Subpart WWW to the same extent required under Regulation 6.45.

ESTIMATED COSTS AND SAVINGS:

The District believes the proposed repeal will not have an economic impact on businesses, political subdivisions and members of the public.

FEASIBILITY OF ALL ALTERNATIVES CONSIDERED:

There are no alternatives available; the compliance date is no longer applicable and the facility is subject to 40 CFR 60 Subpart WWW.

COMPARISON WITH ANY MINIMUM OR UNIFORM STANDARDS:

Regulation 6.45 is superseded by 40 CFR 60 Subpart WWW which is incorporated by reference in Regulation 7.02.

REPORT ON PUBLIC OUTREACH EFFORTS:

A draft of **REGULATION 6.45** *Standards of Performance for Existing Solid Waste Landfills* will be sent for formal review to all persons who have requested to be informed of proposed changes to any District regulations; EPA Region 4; and the Kentucky Division for Air Quality.

In addition, pursuant to Regulation 1.08 *Administrative Procedures*, the public will have an opportunity to comment during the informal comment period, at a meeting of the appropriate committee of the Air Pollution Control Board, during the formal public comment period, and at a public hearing prior to consideration by the full Board.